

APPENDIX 1

Changes to State NPDES Program Regulations and State Program Requirements

This Appendix lists various CFR regulations promulgated as modifications or additions to authorized state program requirements since the 1987 amendments. The Appendix gives the CFR citation and a brief description of this “revised” requirement. The full text of each regulation (published in 1998 or later) is available on the NPDES Program Web page (<http://www.epa.gov/npdes>).

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I. Revisions to Establish Requirements for Water Quality Based Effluent Limits, 54 FR 23895 (June 2, 1989)

CFR §	Brief Description
122.2	Definition of whole effluent toxicity (WET)
122.44(d)(1)(i)	Requires limits that achieve state water quality standards, including narrative standards, and requires a “reasonable potential” (RP) determination
122.44(d)(1)(ii)	List factors that must be considered in making the RP determination
122.44(d)(1)(iii)	Requires a WQBEL for any pollutant that has RP
122.44(d)(1)(iv)	Requires a WQBEL for WET if there is RP
122.44(d)(1)(v)	Requires a WQBEL for WET if there is RP to exceed an applicable narrative criterion unless there is a demonstration that a chemical WQBEL would attain and maintain numeric and narrative WQSs
122.44(d)(1)(vi)	Lists permissible ways for translating narrative standards into chemical limits
122.44(d)(1)(vii)	Describes how WQBELS must be developed
123.44(c)(8)	Add new basis for EPA objection to a State permit (not satisfying 122.44(d))
123.46	Individual control strategies
123.63(a)(5)	Adds a new criterion for program withdrawal

II. **Storm Water Phase I**, 55 FR 47990 (Nov. 16, 1990)

CFR §	Brief Description
122.21(c)(1)	When a new discharger must apply for a permit
122.21(g)(3)	Requirements re: average flow of rainwater
122.21(g)(7)	Revises effluent characteristic application requirements to added special provisions for storm water. These appear throughout the paragraph
122.21(k)	Excludes new dischargers of SW from certain application requirements
122.22(b)	Revises signatory requirement to delete reference to permit applications for Group II storm water discharges
122.26(a)(1)	Describes which storm water discharges need permits under Phase I
122.26(a)(2)	Prohibition against permits for runoff from mining or oil and gas exploration, production, processing or treatment operations
122.26(a)(3)	Permit requirements for large and medium municipal separate storm sewer systems (MS4s)
122.26(a)(4)	Notification requirements for industrial storm water discharges who are discharging through a medium or large MS4
122.26(5) & (6)	Options for permits for other municipal systems
122.26(7)	CSO must obtain NPDES permits; not subject to 122.26
122.26(8)	Funding eligibility retained
122.26(b)	Definitions
122.26(c)	Application requirements for storm water discharges associated with industrial activity

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122.26(d)	Application requirements for large and medium municipal separate storm sewer discharges
122.26(e)	Application deadlines
122.28(b)(2)(i)	When an individual permit may be required (added new subparagraphs (E) and (G))
122.42(c)	Reporting requirements for large and medium MS4 permits

CFR §	Brief Description
122	Added Appendices E-I
Form 2F	Application Form: Storm water Discharges Associated with Industrial Activity

II. A. **Storm Water**, revisited, 56 FR 58548 (Nov. 5, 1991)

CFR §	Brief Description
122.26 (e)(1)	Revises deadline from Nov. 18, 1991 to Oct. 1, 1992
122.26 (e)(2) (iv)	Revises deadline
122.26 (e)(6)	Imposes duty on permittees for storm water activity associated with industrial activity to reapply for permits 180 days before expiration

II.B. **Storm Water**, revisited, 57 FR 11394 (April 2, 1992)¹

CFR §	Brief Description
122.26(b)(15)	Added definition of uncontrolled sanitary landfill
122.26(c)(2)(i)(D)	Added requirements for group applications for groups >1000
122.26(e)(1)	Establishes deadlines for individual applications
122.28(b)(2)	Establishes notice of intent requirements; delineates when NOIs not required

¹Note: There were other subsequent revisions before the Phase II storm water regulations in 1999, which establish requirements that are not longer in effect. These include revisions described at 57 FR 60444 (December 18, 1992), 60 FR 17950 (April 7, 1995), and 60 FR 40230 (August 7, 1995).

CFR §	Brief Description
122.44(i)(2)	Revises monitoring reporting frequency requirements; replaces the minimum annual reporting requirements that generally applies with with more tailored requirements for stormwater discharges

III. “Waters of U.S.”, 58 FR 45036 (Aug. 25, 1993)

CFR§	Brief Description
122.2	Revises definition of “Waters of the U.S.” to exclude prior converted cropland

IV. Standing Rule: 61 FR 20980 (May 8, 1996) Judicial review of approval or denial of permits.

CFR §	Brief Description
123.30	Requires states to encourage allow public participation in permit appeals through standing requirements

V. Revised POTW Application Form 64 FR 42433 (Aug. 8, 1999)

CFR §	Brief Description
122.2	Definition of Indian Country for use in Form 2S
122.2	Definition of TWTDS
122.21(a)	Duty to apply and forms/information requirements for various types of facilities
122.21(c)(2)	Application requirements for TWTDS covered by 40 CFR Part 503
122.21(e)	Completeness determinations

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122.21(f)	New introductory language excludes POTWs and other TWTDS from requirements listed in (f)
122.21(j)	Application requirements for new and existing POTWs. Also provides for waiver of listed information in certain situations (subject to RA approval)
122.21(j)	Application requirements for sewage sludge management. Also provides for waiver of listed information in certain situations (subject to RA approval)

CFR §	Brief Description
122.44(j)(2)	Must establish permit requirements for POTWs related to pretreatment programs and submitting a written evaluation of the need to revise local limits [403.5(c)(1)]
Part 122, Appendix J	Permit Testing Requirements for POTWs-describe effluent testing requirements for different categories of POTWs

VI. Stormwater Phase II, 64 FR 68722 (December 8, 1999)

CFR §	Brief Description
122.21(c)	Added sentence with cross-reference to 122.26 provisions re: time to apply
122.26(a)(9)	Describes which facilities are covered by Phase II
122.26(b)(4)(i) & (b)(7)(i)	Describes which facilities are covered by Phase II, cont'd
122.26(b)(15-19)	New paragraphs re: coverage of construction site < 5 acres [old (b)(15) becomes (b)(20)]
122.26(c)(1)	Adds small construction activity sites among those needing permit coverage
122.26(c)(1)(ii)	Exempts construction discharges from individual application requirements
122.26(e)	Application deadlines
122.26(g)	Conditional exclusion for “no exposure” facilities
122.28(b)(2)(v)	Criteria for not requiring NOIs for general permit coverage
122.30	Objectives of regulations for small MS4s

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122.31	Tribal roles in NPDES storm water program
122.32	Small MS4s regulated under NPDES
122.33	Small MS4: when and how to apply for a permit
122.34	Small MS4 permit requirements
122.35	Small MS4 allows sharing of responsibility to implement minimum control measures

CFR §	Brief Description
122.36	Consequences of Small MS4 noncompliance
122.37	Will Small MS4 regulations change in the future?
122.44(k)(2)	Adds use of BMP authorization for storm water discharges covered under CWA 402(p)
122.44(s)	New paragraph re: permit requirements
122.62(a)(14)	Adds cause for permit modification (to add permit requirement when 3 rd party fails to implement)
Part 122, App. F-I	Updated Appendices
123.35 (a)-(d)	State NPDES Permitting Authorities Role
123.35(e)	Must require small MS4s to fully develop and implement storm water programs w/i 5 years after permit issuance.
123.35(f)	Required permit requirements (duplicates directions in 122)
123.35(g)& (h)	Make available menu of BMPs for general permittees and incorporate any additional measures necessary to ensure effective implementation

VII. Streamlining Rule, Part II, 65 FR 30905 (May 15, 2000)

CFR §	Brief Description
122.1	Nonsubstantive
122.2	Adopted POTW definition from 403.3
122.4(i)(2)	New Sources New Dischargers; when allowed to impaired waters
122.21(g)(7)	Non substantive

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122.22	Eliminated numeric criteria for designating signatories
122.26(c)(2)	Removed group application option for storm water discharges
122.28	Non storm water permit can cover more than one point source category or subcategory
122.44(a)(2)	Allows waiver of monitoring for pollutants covered by effluent guidance but not in effluent

CFR §	Brief Description
122.44(c)	Eliminated certain outdated instances where reopener clauses are appropriate
122.44(k)	Reference to BMP guidances
122.64	Creates an expedited procedure for terminating permits in certain situations.
123.25(a)	Removed state program requirement to include detailed federal penalty provisions in permits
123.44(a)(2), (b)(2)	Removes reference to OWEP
Part 124, Subpart F	Eliminates evidentiary hearing procedures
125.100-125.104	Removal and Reservation of Part 125, Subpart K (BMPs under 304(e))

VIII. Cooling Water Intake Structure Requirements for New Facilities, 66 FR 65338 (Dec. 18, 2001). Also see, 68 FR 36749 (June 19, 2003) for revisions to Part 125, Sub.I)

CFR§	Brief Description
122.21 (r)*	Applications for facilities with cooling water intake structures.[*EPA does consider this to be a State requirement because Subpart I references 40 CFR 122.21(r).]
122.44 (b)(3)	Other effluent limitations and standards, adds new section (b)(3)
Part 125, Sub.I	Technical guideline for cooling water intake structures. Certain Part 125 technical requirements were amended at 68 FR 36749 (June 19, 2003)
124.10	Public notice of permit actions and public comment period, redesignates (d)(1)(ix) and adds new (d)(1)(x).

IX. National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs) , 68 FR 7176 (February 12, 2003)

Revises and clarifies EPA's regulatory requirements for concentrated animal feeding operations (CAFOs) under the Clean Water Act.. The rule revises the NPDES permitting requirements for CAFOs (Sec. 122) and the Effluent Limitations Guidelines and

Standards (ELGs) for CAFOs (Sec. 412). What follows is a general overview (Part A) and a detailed overview of CAFO revisions (Part B)

A. General Overview

CFR §	Brief Description
122.21(a)(1)	Describes CAFO application requirements; establishes deadlines for seeking coverage under general permit.
122.23	Revises the definition of CAFO. Also describes how an AFO may be designated as a CAFO. Establishes which CAFOs must seek permit coverage and what information must be submitted. Establishes decision criteria, information requirements, application deadlines and procedures for making “no potential to discharge” determinations.
122.28	Added requirement in (b)(2)(ii) requiring certain application information to be submitted with the NOI
122.42	Permitting authorities must establish permit requirements related to nutrient management plans , deadlines, and record keeping requirements for CAFOs, including the requirement to develop and implement a nutrient management plan. Establishes requirements related to transferring manure or process wastewater to other persons.
Appendix B to Part 122	Removed and Reserved Appendix B to part 122 [Size Thresholds for CAFOs].
412.4(c)(2)	States must adopt technical standards for nutrient management that are consistent with 412.4(c)(2)

B. Detailed Overview of Final CAFO Rule (prepared May 20, 2003)

NOTE: This summary of the revised CAFO regulations presents a tabular overview of key provisions in the revised regulations. It does not address every provision in the rules, or include complete regulatory text. As such, it is intended to be used by persons wishing to obtain a general overview of the rules, not to address specific regulatory questions. All specific questions regarding the scope or requirements imposed under the revised CAFO rules must be based on the final regulatory text and preamble. To the extent there are any inadvertent differences between this summary and the preamble or the regulations, the preamble and regulations govern.

The legal authority review should look only at revised requirements.

Topic	General Summary of Revised CAFO Regulations	Regulatory References		
		Federal Regulations (40 CFR)		State
		Revised [Preamble Page(s)]	Previous	
SCOPE OF REVISED REGULATIONS				
AFO	A lot or facility where: - animals are confined for at least 45 days in a 12-month period and - crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season	122.23(b)(1) [7188]	122.23(b)(1)	
CAFO	An AFO that meets the definition of Large or Medium CAFO or is designated as a Medium or Small CAFO by the State Director or EPA Regional Administrator. Eliminates 25-year, 24-hour storm exemption. Eliminates mixed animal calculation. Adds new thresholds for heifers, immature swine and dry poultry operations. Raises threshold for dry duck operations. Clarifies that veal calves are covered.	122.23(b)(2) [7189]	122.23(b)(3)	
Large CAFO	An AFO that confines at least: 1,000 cattle, veal calves, or cow/calf pairs; 700 mature dairy cows; 2,500 swine weighing more 55 pounds or more; 10,000 swine weighing less than 55 pounds; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 chickens, if the AFO uses a liquid manure handling system; 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; 82,000 laying hens, if the AFO uses other than a liquid manure handling system; 30,000 ducks, if the AFO uses other than a liquid manure handling system; or 5,000 ducks, if the AFO uses a liquid manure handling system.	122.23(b)(4) [7189]	Appendix B to Part 122	

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Topic	General Summary of Revised CAFO Regulations	Regulatory References		
		Federal Regulations (40 CFR)		State
		Revised [Preamble Page(s)]	Previous	
Medium CAFO	<p>An AFO that confines 300-999 cattle, veal calves, or cow/calf pairs; 200-699 mature dairy cows; 750-2,499 swine weighing 55 pounds or more; 3,000-9,999 swine weighing less than 55 pounds; 150-499 horses; 3,000-9,999 sheep or lambs; 16,500-54,999 turkeys; 9,000-29,999 chickens, if the AFO uses a liquid manure handling system; 37,500-124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; 25,000-81,999 laying hens, if the AFO uses other than a liquid manure handling system; 10,000-29,999 ducks, if the AFO uses other than a liquid manure handling system; or 1,500-4,999 ducks, if the AFO uses a liquid manure handling system and</p> <p>- meets the discharge criteria specified in the regs (no change) or is designated as a CAFO by the permitting authority</p>	122.23(b)(6) [7189]	Appendix B to Part 122	
Small CAFO	<p>An AFO with fewer than 300 cattle, veal calves, or cow/calf pairs; 200 mature dairy cows; 750 swine weighing 55 pounds or more; 3,000 swine weighing less than 55 pounds; 150 horses; 3,000 sheep or lambs; 16,500 turkeys; 9,000 chickens, if the AFO uses a liquid manure handling system; 37,500 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; 25,000 laying hens, if the AFO uses other than a liquid manure handling system; 10,000 ducks, if the AFO uses other than a liquid manure handling system; or 1,500 ducks, if the AFO uses a liquid manure handling system and</p> <p>- is designated as a CAFO by the permitting authority</p>	122.23(b)(9) [7189]	–	
Mixed animal types	An AFO is a CAFO only if it meets the definition for Large or Medium CAFO for any one animal sector. Eliminates mixed animal unit calculation	– [7194]	Appendix B to Part 122	
CAFO designation	AFOs may be designated as Medium or Small CAFOs if they are significant contributors of pollutants to waters of the U.S. No change in designation standards, criteria, and conditions.	122.23(c) [7198]	122.23(c)	

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EPA's designation authority	The EPA Regional Administrator may designate AFOs as CAFOs in non-authorized States and in authorized States where one or more pollutants in the AFO discharge contributes to a water quality impairment in a downstream or adjacent State or Indian country.	122.23(c)(1) [7199]	–	
New sources	No change to new source definition or criteria.	122.2 122.29 [7200]	122.2 122.29	
Land application area	Land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter or process wastewater from the production area is or may be applied.	122.23(b)(3) 412.2(e) [7196]	–	
Production area	Includes areas of AFO where animals are confined, manure and/or raw materials are stored, and waste is contained.	122.23(b)(8) 412.2(h) [7266]	–	
DUTY TO APPLY AND APPLICATION DEADLINES				
Duty to apply	Requirement for all CAFO owners or operators to seek coverage under an NPDES permit (except where a the owner or operator of a Large CAFO has sought and received a “no potential to discharge” determination). The “no potential to discharge” determination is not available to Medium and Small CAFOs because they must discharge to be defined or designated as CAFOs.	122.21(a)(1) 122.23(d)(1),(2) [7200]	122.21(a)	
“No potential to discharge” determination	A CAFO that has received a “no potential to discharge” determination is not required to seek coverage under an NPDES permit. If circumstances change at a CAFO that has received a “no potential to discharge” determination such that the CAFO has a potential to discharge, the CAFO has a duty to immediately notify the Director, and seek coverage under an NPDES permit within 30 days after the change in circumstances.	122.23(d)(2) 122.23(f) 122.23(g)(6) [7201-7203]	–	

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		Federal Regulations (40 CFR)		State
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Permit application deadlines	Existing CAFOs (operations covered under 1976 regulation) - the owner or operator must have or seek to obtain NPDES permit coverage by April 14, 2003, and comply with all applicable NPDES requirements, including the duty to maintain permit coverage.	122.23(g)(1) [7203]	—	
	Newly Defined CAFOs (operations defined as CAFOs as of April 14, 2003, which were not defined as CAFOs prior to that date) - the owner or operator must seek to obtain NPDES permit coverage by a date specified by the Director, but no later than February 13, 2006.	122.23(g)(2) [7204]	122.21(c)(1)	
	New Dischargers (CAFOs constructed after April 14, 2003 and AFOs that expand or otherwise change to meet the CAFO definition after April 14, 2003, except new sources) - the owner or operator must seek to obtain coverage under an NPDES permit, as follows: - For newly constructed operations not subject to effluent limitations guidelines, 180 days prior to the time CAFO commences operation - For other operations (e.g., resulting from an increase in the number of animals), as soon as possible, but no later than 90 days after becoming defined as a CAFO; except that: - If an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has until April 13, 2006, or 90 days after becoming defined as a CAFO, whichever is later.	122.(g)(3) [7204]	122.21(c)(1)	
	New Sources - New sources must seek to obtain coverage under a permit at least 180 days prior to the time that the CAFO commences operation.	122.23(g)(4) [7204]	122.21(c)(1)	
	Designated CAFOs - For operations designated as a CAFO in accordance with § 122.23(c), the owner or operator must seek to obtain coverage under a permit no later than 90 days after receiving notice of the designation.	122.23(g)(5) [7204]	122.21(c)(1)	

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Topic	General Summary of Revised CAFO Regulations	Regulatory References		
		Federal Regulations (40 CFR)		State
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Permit types	Permitting authorities have flexibility in issuing individual or general permits for CAFOs.	122.28(b) [7205]	122.28(b)	
Application forms	CAFO owners or operators must submit Forms 1 and 2B (or the State's comparable forms) for an individual permit or submit a NOI (or the State's comparable form) for coverage under a general permit.	122.21(f) [7205]	122.21(f)	
NOI or permit application required elements	<p>The following information must be included in an NOI or application for an individual CAFO NPDES permit:</p> <ul style="list-style-type: none"> (i) Name owner or operator; (ii) Facility location and mailing address; (iii) Latitude and longitude of entrance to production area; (iv) Topographic map showing the specific location of the production area; (v) Number and type of animals in open confinement and housed under roof; (vi) Type(s) of containment and storage; (vii) Total number of acres under control of the applicant available for land application of manure, litter, or process wastewater; (viii) Estimated amount of manure, litter, and process wastewater generated per year; (ix) Estimated amounts of manure, litter and process wastewater transferred to other persons per year; and (x) After 12/31/06, certification that a nutrient management plan has been completed and will be implemented upon the date of permit coverage. 	122.21(a)(1)(i)(1) [7206]	122.21(f)	

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Duty to maintain permit coverage	<p>The permittee must submit an application to renew its permit no later than 180 days prior to expiration, per §122.21(d).</p> <p>The permittee need not reapply if:</p> <ul style="list-style-type: none"> - the facility has ceased operation or is no longer a CAFO; and - the permittee has demonstrated to the satisfaction of the Director that there is no remaining potential for a discharge of manure, litter or associated process wastewater that was generated while the operation was a CAFO, other than agricultural stormwater from land application areas. 	122.23(h) [7229]	122.21(d)(2)	
NPDES PERMIT REQUIREMENTS				
Land application	Discharge of manure, litter, or process wastewater to waters of the U.S. from a CAFO as a result of the application of that manure, litter or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to NPDES permit requirements, except where it is an agricultural storm water discharge as provided in 33 U.S.C. 1362(14).	122.23(e) [7209-7211]	—	
Agricultural storm water exemption	Where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO is an agricultural storm water discharge.	122.3(e) 122.23(e) [7219]	122.3(e)	

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<p>Nutrient management plan</p> <p>(Also see 412.4(c)(1) nutrient management plan requirements applicable under effluent guidelines)</p>	<p>All permitted CAFOs must develop and implement a nutrient management plan. The nutrient management plan must, to the extent applicable:</p> <ul style="list-style-type: none"> - ensure adequate storage of manure, litter and process wastewater and proper operation and maintenance of the storage facilities; - ensure proper management of mortalities; - ensure that clean water is diverted, as appropriate, from the production area; - prevent direct contact of confined animals with waters of the United States; - ensure that chemicals and other contaminants handled on-site, are not disposed of in any storage or treatment system not specifically designed to treat such chemicals and other contaminants; - identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the United States; - identify protocols for appropriate testing of manure, litter, process wastewater, and soil; - establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients; and - identify specific records that will be maintained to document the implementation of the nutrient management plan. 	<p>122.42(e)(1) [7226-7229]</p>	<p>—</p>	
Nutrient management plan schedule	Permitted CAFOs must develop and implement nutrient management plans by Dec. 31, 2006; CAFOs that seek coverage after Dec. 31, 2006, must implement nutrient management plans upon date of permit coverage.	122.42(e)(1)	—	

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		Federal Regulations (40 CFR)		State
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Record keeping	<p>The permittee must create, maintain for five years, and make available to the Director, upon request, the following records:</p> <ul style="list-style-type: none"> - Records identified in the nutrient management plan. - A copy of the nutrient management plan. - For Large CAFOs, the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to other persons. - All CAFOs subject to the ELG must also keep records required in § 412.37(b) and (c) and § 412.47(b) and (c) (see below). 	<p>122.42(e)(2) 122.42(e)(3) [7212, 7230]</p>	—	
Manure transfer	When transferring manure, litter or process wastewater to other persons, Large CAFOs must provide the recipient with the most current nutrient analysis.	<p>122.42(e)(3) [7230]</p>	—	
Annual report	<p>CAFOs must submit an annual report to the Director. The annual report must include:</p> <ul style="list-style-type: none"> - Number and type of animals confined; - Estimated amount of manure, litter, and process wastewater generated by the CAFO in previous 12 months (tons/gallons); - Estimated amount of manure, litter, and process wastewater transferred to other persons in the previous 12 months (tons/gallons); - Total number of acres for land application covered by the nutrient management plan; - Total number of acres under control of the CAFO that were used for land application in the previous 12 months; - Summary of all manure, litter and process wastewater discharges from the production area that have occurred in the previous 12 months; and - A statement indicating whether the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner. 	<p>122.42(e)(4) [7230]</p>	—	

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EFFLUENT LIMITATIONS GUIDELINES FOR CAFOs				
Horses and sheep	<p><u>Applicability:</u> Discharges from the production areas at horse and sheep CAFOs with at least 10,000 sheep or 500 horses.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) No discharge except where caused by rainfall at a facility designed, constructed and operated to contain all process generated wastewater and runoff from 10-year, 24-hour rainfall event. - (BAT/NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart A [7193]	412 Subpart A	
Ducks	<p><u>Applicability:</u> Discharges from the production areas at all duck CAFOs with at least 5,000 ducks.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) Existing duck CAFOs shall achieve the following effluent limitations: <ul style="list-style-type: none"> BOD5: Maximum daily 3.66 lb. (1.66 kg)/1,000 ducks Maximum monthly average 2.0 lb. (0.91 kg)/1,000 ducks Fecal coliform: not to exceed MPN of 400 per 100 ml at any one time - (NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart B [7193]	412 Subpart B	
Dairy cows and cattle other than veal calves	<p><u>Applicability:</u> CAFOs with at least 700 mature dairy cows whether milked or dry; or 1,000 cattle other than mature dairy cows or veal calves (includes but is not limited to heifers, steers and bulls).</p>	412 Subpart C 412.30 [7207-7209]	412 Subpart A 412.10	

Summary – Revised CAFO Regulations

EFFLUENT LIMITATIONS GUIDELINES FOR CAFOs				
Horses and sheep	<p><u>Applicability:</u> Discharges from the production areas at horse and sheep CAFOs with at least 10,000 sheep or 500 horses.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) No discharge except where caused by rainfall at a facility designed, constructed and operated to contain all process generated wastewater and runoff from 10-year, 24-hour rainfall event. - (BAT/NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart A [7193]	412 Subpart A	
Ducks	<p><u>Applicability:</u> Discharges from the production areas at all duck CAFOs with at least 5,000 ducks.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) Existing duck CAFOs shall achieve the following effluent limitations: <ul style="list-style-type: none"> BOD5: Maximum daily 3.66 lb. (1.66 kg)/1,000 ducks Maximum monthly average 2.0 lb. (0.91 kg)/1,000 ducks Fecal coliform: not to exceed MPN of 400 per 100 ml at any one time - (NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart B [7193]	412 Subpart B	
Dairy cows and cattle other than veal calves (continued)	<p><u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT)</p> <ul style="list-style-type: none"> - No discharge except where caused by rainfall at a facility: <ul style="list-style-type: none"> - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage. 	412.31(a) 412.32(a) 412.33(a) [7214 - 7217]	412.12 412.13	

Summary – Revised CAFO Regulations

EFFLUENT LIMITATIONS GUIDELINES FOR CAFOS				
Horses and sheep	<p><u>Applicability:</u> Discharges from the production areas at horse and sheep CAFOs with at least 10,000 sheep or 500 horses.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) No discharge except where caused by rainfall at a facility designed, constructed and operated to contain all process generated wastewater and runoff from 10-year, 24-hour rainfall event. - (BAT/NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart A [7193]	412 Subpart A	
Ducks	<p><u>Applicability:</u> Discharges from the production areas at all duck CAFOs with at least 5,000 ducks.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) Existing duck CAFOs shall achieve the following effluent limitations: <ul style="list-style-type: none"> BOD5: Maximum daily 3.66 lb. (1.66 kg)/1,000 ducks Maximum monthly average 2.0 lb. (0.91 kg)/1,000 ducks Fecal coliform: not to exceed MPN of 400 per 100 ml at any one time - (NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart B [7193]	412 Subpart B	
	<p><u>Voluntary Alternative Performance Standards (Production Area):</u> Existing and new sources</p> <p>CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.</p>	412.31(a) [7221]	—	

Summary – Revised CAFO Regulations

EFFLUENT LIMITATIONS GUIDELINES FOR CAFOs				
Horses and sheep	<p><u>Applicability:</u> Discharges from the production areas at horse and sheep CAFOs with at least 10,000 sheep or 500 horses.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) No discharge except where caused by rainfall at a facility designed, constructed and operated to contain all process generated wastewater and runoff from 10-year, 24-hour rainfall event. - (BAT/NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart A [7193]	412 Subpart A	
Ducks	<p><u>Applicability:</u> Discharges from the production areas at all duck CAFOs with at least 5,000 ducks.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) Existing duck CAFOs shall achieve the following effluent limitations: <ul style="list-style-type: none"> BOD5: Maximum daily 3.66 lb. (1.66 kg)/1,000 ducks Maximum monthly average 2.0 lb. (0.91 kg)/1,000 ducks Fecal coliform: not to exceed MPN of 400 per 100 ml at any one time - (NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart B [7193]	412 Subpart B	
	<p><u>New Source Performance Standards (NSPS):</u></p> <p>Production area and land application area standards for new sources are the same as those for existing sources, except that new sources must comply with production area and land application area requirements by the date of permit coverage, with the following exception:</p> <p>Any new source under the previous regulations built after April 14, 1993, and prior to April 14, 2003, which was a new source subject to the standards specified in § 412.15, revised as of July 1, 2002, must continue to achieve those standards for the applicable time period specified in 40 CFR 122.29(d)(1). Thereafter, the source must achieve the revised standards for existing CAFOs.</p>	412.35 [7214 - 7217]	412.15	

Summary – Revised CAFO Regulations

EFFLUENT LIMITATIONS GUIDELINES FOR CAFOS				
Horses and sheep	<p><u>Applicability:</u> Discharges from the production areas at horse and sheep CAFOs with at least 10,000 sheep or 500 horses.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) No discharge except where caused by rainfall at a facility designed, constructed and operated to contain all process generated wastewater and runoff from 10-year, 24-hour rainfall event. - (BAT/NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart A [7193]	412 Subpart A	
Ducks	<p><u>Applicability:</u> Discharges from the production areas at all duck CAFOs with at least 5,000 ducks.</p> <p><u>Standards:</u></p> <ul style="list-style-type: none"> - (BPT) Existing duck CAFOs shall achieve the following effluent limitations: <ul style="list-style-type: none"> BOD5: Maximum daily 3.66 lb. (1.66 kg)/1,000 ducks Maximum monthly average 2.0 lb. (0.91 kg)/1,000 ducks Fecal coliform: not to exceed MPN of 400 per 100 ml at any one time - (NSPS) No discharge except where caused by rainfall at a facility designed, constructed, operated, and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event. 	412 Subpart B [7193]	412 Subpart B	
	<p><u>Land Application Area Standards:</u> Existing sources and new sources (BPT/BCT/BAT/NSPS)</p> <p>CAFOs must:</p> <ul style="list-style-type: none"> - Develop and implement the land application best management practices required by the ELG (see below); - Maintain the records required by the ELG (see below); - Achieve the land application standards by December 31, 2006. (Note: NSPS compliance date is date of permit coverage) 	412.31(b) 412.32(b) 412.33(b) 412.35(b) and (c) [7209-7214]	–	

Summary – Revised CAFO Regulations

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Swine, poultry and veal calves (continued)	<u>New Source Performance Standards (NSPS):</u> - No discharge of manure, litter, or process wastewater pollutants into waters of the U.S. from the production area. - Waste management and storage facilities designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 100-year, 24-hour rainfall event and operated in accordance with the additional measures and records required by the ELG (see below) will fulfill the NSPS. - The production area must be operated in accordance with the additional measures required by the ELG (see below). - Provisions for upset/bypass, as provided in 40 CFR 122.41(m)– (n), apply. - Any new source under the previous regulations built after April 14, 1993, and prior to April 14, 2003, which was a new source subject to the standards specified in § 412.15, revised as of July 1, 2002, must continue to achieve those standards for the applicable time period specified in 40 CFR 122.29(d)(1). Thereafter, the source must achieve the	412.46 [7219-7221]	412.15	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
	<u>Voluntary Superior Alternative Performance Standards (Production Area):</u> - New sources may request alternative effluent limitations based upon a demonstration that site-specific innovative technologies will achieve environmental performance across all media that is equal or superior to the reductions achieved by baseline standards. The quantity of pollutants discharged from the production area must be accompanied by an equivalent or greater reduction in the quantity of pollutants released to other media from the production area and/or land application areas for all manure, litter, and process wastewater at on-site and off-site locations.	412.46(d) [7223]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Swine, poultry and veal calves (continued)	<u>Land Application Area Standards:</u> Existing sources and new sources (BPT/BCT/BAT/NSPS) CAFOs must: - Develop and implement the land application best management practices required by the ELG (see below). - Maintain the records required by the ELG (see below). - Existing CAFOs shall achieve the land application standards by December 31, 2006; New sources shall comply with land application requirements as of the date of permit coverage.	412.43(b) 412.44(b) 412.45(b) 412.46(b) and (c) [7209-7214]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Additional measures	<u>Applicability:</u> Applies to any CAFO subject to § 412 Subpart C (Dairy and Beef Cattle other than Veal Calves) or 412 Subpart D (Swine, Poultry and Veal Calves)	412.31(a)(ii) [7209, 7214, 7217]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
	<u>Best management practices for the production area</u> CAFOs must implement: - Routine visual inspections of the CAFO production area, including: - Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structures. - Daily inspections of water lines. - Weekly inspections of the manure, litter, and process wastewater impoundments; the inspection will note the level in liquid impoundments as indicated by the depth marker. - All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event (or a 100-year, 24-hour rainfall event for new source swine, poultry and veal calf CAFOs).	412.37(a) [7214-7216, 7217-7218]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Additional measures (continued)	<u>Record keeping requirements for the production area(s).</u> In addition to the records required under the NPDES regulation, CAFOs must maintain the following records on-site for a period of five years from the date they are created and make them available to the Director upon request: - Records documenting the required inspections. - Weekly records of the depth of the manure and process wastewater in the liquid impoundment. - Records documenting any actions taken to correct deficiencies. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction. - Records of mortalities management and practices. - Records documenting the current design of any manure or litter storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity. - Records of the date, time, and estimated volume of any overflow	412.37(b) [7214-7216, 7217-7218, 7230-7231]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Additional measures (continued)	<u>Record keeping requirements for the land application area(s).</u> In addition to the records required under the NPDES regulation, CAFOs must maintain the following records on-site for a period of five years from the date they are created and make them available to the Director upon request: - Expected crop yields. - The date(s) manure, litter, or process waste water is applied to each field. - Weather conditions at time of application and for 24 hours prior to and following application. - Test methods used to sample and analyze manure, litter, process waste water, and soil. - Results from manure, litter, process waste water, and soil sampling. - Explanation of the basis for determining manure application rates, as provided in the state technical standards. - Calculations showing the total nitrogen and phosphorus to be applied to each field,	412.37(c) [7209-7212, 7230-7231]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<p><u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.</p>	<p>412 Subpart D 412.40 [7207-7209]</p>	<p>412 Subpart A 412.10</p>	
	<p><u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT)</p> <ul style="list-style-type: none"> - No discharge except where caused by rainfall at a facility: <ul style="list-style-type: none"> - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage. 	<p>412.43(a) 412.44(a) 412.45(a) [7217-7219]</p>	<p>412.12 412.13</p>	
	<p><u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT)</p> <p>CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.</p>	<p>412.31(a)(2) [7221-7223]</p>	<p>—</p>	
BMPs for land application	<p><u>Applicability:</u> Applies to any CAFO subject to § 412 Subpart C (Dairy and Beef Cattle other than Veal Calves) or 412 Subpart D (Swine, Poultry and Veal Calves)</p> <p><u>Standards:</u> CAFOs must develop and implement BMPs, including nutrient management plans (see below), determination of application rates, manure and soil sampling, inspection of land application equipment for leaks, setback requirements (including vegetated buffer compliance alternative, and alternative practices compliance alternative) (see below).</p>	<p>412.4 [7209-7211]</p>	<p>—</p>	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
BMP - nutrient management plan (dairy cows, cattle, swine, poultry, and veal calves)	The CAFO must develop and implement a nutrient management plan based on a field-specific assessment of the potential for nitrogen and phosphorus transport and that addresses the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface areas. In addition to the NPDES nutrient management plan requirements, the nutrient management plan must include the following elements: - Application rates must minimize phosphorus and nitrogen transport in compliance with the state technical standards for nutrient management. - Manure must be analyzed at least once annually for nitrogen and phosphorus content, and soil analyzed at least once every five years for phosphorus content. The results of these analyses are to be used in determining application rates for manure, litter, or process wastewater. - Land application equipment must be inspected periodically for leaks.	412.4(c) [7209 - 7212]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
BMP - setback (dairy cows, cattle, swine, poultry, and veal calves)	Manure, litter, and process wastewater may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters. As a compliance alternative, the CAFO owner or operator may: - Substitute the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited; or - Demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback.	412.4(c)(5) [7209-7212]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability</u> : CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards</u> : Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area)</u> : Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
STATES' ROLES AND RESPONSIBILITIES				
Key Roles	Permitting authorities must: - Revise their NPDES programs (including provisions for no potential to discharge determinations and CAFO designation). - Establish technical standards for nutrient management. - Issue new or revised NPDES permits to include the revised permit requirements and effluent guidelines.	122.23 122.42 Part 123 [7231]	Part 123	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Implementation	The revised regulations will be implemented by issuing NPDES permits. State permitting authorities are principally responsible for implementing and enforcing the CAFO regulations. As of December 15, 2002, there are 45 States and 1 Territory with authorized NPDES permit programs for CAFOs. In States without an authorized NPDES program for CAFOs and in Indian Country, EPA will implement the rule.	123.25 [7231]	123.25	
State program revision schedule	State NPDES permitting programs must be revised by April 14, 2004, or by April 14, 2005, in cases where a State must amend or enact a statute to conform with the revised CAFO requirements. States that do not have an existing authorized NPDES permitting program but seek NPDES authorization after April 14, 2003, must have authorities that meet or exceed the revised federal CAFO regulations when authorization is requested.	123.25 [7231-7232]	123.25	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Technical standards	States must have technical standards for nutrient management consistent with 40 CFR 412.4(c)(3). State technical standards for nutrient management shall; - Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the fields to surface waters, and address the form, source, amount, timing, and method of application of nutrients on each field; and - Include appropriate flexibilities for CAFOs to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the Director.	412.4(c)(2) [7209-7210]	—	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability:</u> CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards:</u> Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area):</u> Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	–	
Technical standards schedule	If the State has not already established technical standards for nutrient management that are consistent with 40 CFR 412.4(c)(2), the Director shall establish such standards on the same schedule as their NPDES program revisions.	123.36 123.62(e) [7231]	–	
Deadlines for permit issuance	Because the regulations require CAFOs to seek NPDES permit coverage under general permits within certain time frames, and CAFOs may not discharge any pollutants to waters of the United States without a permit, it is in a State's interest to issue new or revised NPDES permits in a timely manner. EPA expects that new general permits will be available by the time CAFOs must apply for an NPDES permit.	123.25 [7232]	123.25	

Summary – Revised CAFO Regulations

Swine, poultry and veal calves	<u>Applicability</u> : CAFOs with at least 2,500 swine each weighing 55 lbs. or more; 10,000 swine each weighing less than 55 lbs.; 30,000 laying hens or broilers if the facility uses a liquid manure handling system; 82,000 laying hens if the facility uses other than a liquid manure handling system; 125,000 chickens other than laying hens if the facility uses other than a liquid manure handling system; 55,000 turkeys; or 1,000 veal calves.	412 Subpart D 412.40 [7207-7209]	412 Subpart A 412.10	
	<u>Production Area Standards</u> : Existing sources (BPT/BCT/BAT) - No discharge except where caused by rainfall at a facility: - that is designed, constructed, operated and maintained to contain all process generated wastewater and runoff from 25-year, 24-hour rainfall event, and - where the production area is operated in accordance with the additional measures and records required by the ELG (see below). - CAFOs shall achieve the production area standards by the date of permit coverage.	412.43(a) 412.44(a) 412.45(a) [7217-7219]	412.12 412.13	
	<u>Voluntary Alternative Performance Standards (Production Area)</u> : Existing sources (BPT/BCT/BAT) CAFOs may request the Director to establish effluent limitations based on site-specific alternative technologies that achieve equal or better performance than the baseline standards in terms of quantity of pollutants discharged.	412.31(a)(2) [7221-7223]	—	
Use of non-NPDES programs	The rule establishes binding legal requirements for Large CAFOs and maintains substantial flexibility for States to set other site-specific requirements for CAFOs as needed to achieve State program objectives. EPA encourages States to maximize use of voluntary and other non-NPDES programs to support efforts by medium and small operations to implement appropriate measures and correct problems that might otherwise cause them to be defined or designated as CAFOs. EPA encourages States to use the flexibility available under the rule so that their State non-NPDES programs complement the required regulatory program.	123.25 [7232]	123.25	

Summary – Revised CAFO Regulations

Appendix 2

40 CFR §122.2 Definitions.

The following definitions apply to parts 122, 123, and 124. Terms not defined in this section have the meaning given by CWA. When a defined term appears in a definition, the defined term is sometimes placed in quotation marks as an aid to readers.

\$

	\$	Facility	\$	Proposed permit
Administrator	\$	Federal Indian reservation	\$	Publicly owned treatment works
\$ Animal feeding operation	\$	General permit	\$	Recommencing discharger
\$ Applicable standards and limitations	\$	Hazardous substance	\$	Regional Administrator
\$ Application	\$	Indian country	\$	Schedule of compliance
\$ Approved program or approved State	\$	Indian Tribe	\$	Secondary industry category
\$ Aquaculture project	\$	Indirect discharger	\$	Secretary
\$ Average monthly discharge limitation	\$	Individual control strategy	\$	Septage
\$ Average weekly discharge limitation	\$	Interstate agency	\$	Sewage from vessels
\$ Best management practices ("BMPs")	\$	Major facility	\$	Sewage Sludge
\$ Class I sludge management facility	\$	Maximum daily discharge limitation	\$	Sewage sludge use or disposal practice
\$ Bypass	\$	Municipality	\$	Silvicultural point source
\$ Concentrated animal feeding operation	\$	Municipal separate storm sewer system	\$	Site
\$ Concentrated aquatic animal feeding operation	\$	National Pollutant Discharge Elimination	\$	Sludge-only facility
\$ Contiguous zone	\$	New discharger	\$	Standards for sewage sludge use or disposal
\$ Continuous discharge	\$	New source	\$	State
\$ CWA	\$	NPDES	\$	State Director
\$ Daily discharge	\$	Owner or operator	\$	State/EPA Agreement
\$ Direct discharge	\$	Permit	\$	Storm water
\$ Director	\$	Person		
\$ Discharge of a pollutant	\$	Point source		
\$ Discharge Monitoring Report ("DMR")	\$	Pollutant		
\$ Draft permit	\$	POTW		
\$ Effluent limitation	\$	Primary industry category		
\$ Environmental Protection Agency ("EPA")	\$	Privately owned treatment works		
	\$	Process wastewater		

\$	Storm water discharge associated with	\$	Upset	\$	Wetlands
	industrial activity	\$	Variance	\$	Whole effluent toxicity
\$	Total dissolved solids	\$	Waters of the United States or waters of the		
\$	Toxic pollutant				U
\$	Treatment works treating domestic sewage				.
\$	TWTDS				S
					.

[48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 50 FR 6940, 6941, Feb. 19, 1985; 54 FR 254, Jan. 4, 1989; 54 FR 18781, May 2, 1989; 54 FR 23895, June 2, 1989; 58 FR 45039, Aug. 25, 1993; 58 FR 67980, Dec. 22, 1993; 64 FR 42462, Aug. 4, 1999; 65 FR 30905, May 15, 2000]